

FILED

At Albuquerque NM

APR 10 2018

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

MATTHEW J. DYKMAN
CLERK

UNITED STATES OF AMERICA,

Plaintiff,

vs.

DANIEL LOWELL and
TRISTA SCHLAEFLI,

Defendants.

CRIMINAL NO. 18-1108 KG

Count 1: 18 U.S.C. § 758: High Speed
Flight from an Immigration Checkpoint; 18
U.S.C. § 2: Aiding and Abetting;

Count 2: 18 U.S.C. § 2119(1): Carjacking;
18 U.S.C. § 2: Aiding and Abetting;

Count 3: 18 U.S.C. § 2119(3): Carjacking
Resulting in Death; 18 U.S.C. § 2:
Aiding and Abetting;

Count 4: 18 U.S.C. § 924(c): Using,
Carrying, and Brandishing a Firearm During
and in Relation to a Crime of Violence, and
Possessing and Brandishing a Firearm in
Furtherance of Such Crime;

Count 5: 18 U.S.C. § 924(c): Using,
Carrying, and Brandishing a Firearm During
and in Relation to a Crime of Violence, and
Possessing and Brandishing a Firearm in
Furtherance of Such Crime; 18 U.S.C. § 2:
Aiding and Abetting;

Counts 6 and 7: 18 U.S.C. § 2119(1):
Attempted Carjacking;

Count 8: 18 U.S.C. § 922(g)(1): Felon in
Possession of a Firearm and Ammunition;

Count 9: 18 U.S.C. § 1029(a)(3): Possession
of Fifteen or More Unauthorized Access
Devices.

INDICTMENT

The Grand Jury charges:

Count 1

On or about November 27, 2017, in Doña Ana County, in the District of New Mexico, the defendants, **DANIEL LOWELL** and **TRISTA SCHLAEFLI**, unlawfully, knowingly and intentionally fled and evaded a checkpoint operated by the United States Border Patrol and any other Federal law enforcement agency, in a motor vehicle, and did flee Federal, State and local law enforcement agents in excess of the legal speed limit.

In violation of 18 U.S.C. § 758 and 18 U.S.C. § 2.

Count 2

On or about November 27, 2017, in Luna County, in the District of New Mexico, the defendants, **DANIEL LOWELL** and **TRISTA SCHLAEFLI**, while aiding and abetting each other, with the intent to cause death and serious bodily harm, did take from the person and presence of J.P., by force and violence, and by intimidation, a motor vehicle that had been transported, shipped, and received in interstate and foreign commerce, that is, a Toyota 4-Runner bearing Texas license plate.

In violation of 18 U.S.C. § 2119(1) and 18 U.S.C. § 2.

Count 3

On or about November 27, 2017, in Luna County, in the District of New Mexico, the defendants, **DANIEL LOWELL** and **TRISTA SCHLAEFLI**, while aiding and abetting each other, with the intent to cause death and serious bodily harm, did take from the person and presence of J.P., by force and violence, and by intimidation, a motor vehicle that had been transported, shipped, and received in interstate and foreign commerce, that is, a Toyota 4-Runner bearing Texas license plate, resulting in the death of J.R. Stewart.

In violation of 18 U.S.C. § 2119(3) and 18 U.S.C. § 2.

Count 4

On or about November 27, 2017, in Luna County, in the District of New Mexico, the defendant, **DANIEL LOWELL**, knowingly used, carried and brandished a firearm during and in relation to a crime of violence for which the defendant may be prosecuted in a court of the United States, specifically, carjacking as charged in Count 2 of this indictment, and in furtherance of such crime, possessed and brandished said firearm.

In violation of 18 U.S.C. § 924(c).

Count 5

On or about November 27, 2017, in Luna County, in the District of New Mexico, the defendant, **TRISTA SCHLAEFLI**, knowingly aided and abetted **DANIEL LOWELL**, who used, carried and brandished a firearm during and in relation to a crime of violence which a person may be prosecuted in a court of the United States, specifically, carjacking as charged in Count 2 of this indictment, and who, in furtherance of such crime, possessed and brandished said firearm.

In violation of 18 U.S.C. § 924(c) and 18 U.S.C. § 2.

Count 6

On or about November 27, 2017, in Doña Ana County, in the District of New Mexico, the defendant, **DANIEL LOWELL**, with the intent to cause death and serious bodily harm, did attempt to take from the person and presence of R.D., by force and violence, and by intimidation, a motor vehicle that had been transported, shipped, and received in interstate and foreign commerce, that is, a maroon Lexus bearing a New Mexico license plate.

In violation of 18 U.S.C. § 2119(1).

Count 7

On or about November 27, 2017, in Doña Ana County, in the District of New Mexico, the defendant, **TRISTA SCHLAEFLI**, with the intent to cause death and serious bodily harm, did attempt to take from the person and presence of C.O., by force and violence, and by intimidation, a motor vehicle that had been transported, shipped, and received in interstate and foreign commerce, that is, a Toyota Camry bearing a New Mexico license plate.

In violation of 18 U.S.C. § 2119(1).

Count 8

On or about November 27, 2017, in Doña Ana County, in the District of New Mexico, the defendant, **DANIEL LOWELL**, having been convicted of the following felony crime, felony controlled substance possession, punishable by imprisonment for a term exceeding one year, knowingly possessed, in and affecting commerce, a firearm and ammunition.


In violation of 18 U.S.C. § 922(g)(1).

Count 9

On or about November 27, 2017, in Doña Ana County, in the District of New Mexico, the defendants, **DANIEL LOWELL** and **TRISTA SCHLAEFLI**, knowingly and with intent to defraud, possessed at least fifteen unauthorized access devices, as defined in 18 U.S.C. §§ 1029(e)(1), (3), and said possession affected interstate and foreign commerce.

In violation of 18 U.S.C. § 1029(a)(3).


A TRUE BILL:



Assistant United States Attorney

/s/

FOREPERSON OF THE GRAND JURY


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